IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11869 of 1999

Between:
T. Anjaneyulu, S/o. Rama Kistaiah,
Work Inspector, Housing Corporation, Penupahad,

Suryapet, Nalgonda district.

..... PETITIONER

AND

1. The Secretary to Govt of A.P.,

   Housing Department, Secretariat, Hyderabad.

2. The Vice-Chairman & Managing Director,

   A.P. State Housing Corporation, Hyderabad.

3. The District Manager, A.P. State Housing

   Corporation, Nalgonda.

4. D. Narsaiah, incharge Assistant Engineer,

   Housing Corporation, Chintapalli, Nalgonda District.

5. S. Suryanarayana, in charge Assistant Engineer,

   Housing Corporation, Chintapalli, Nalgonda District.

6. P. Laxman, incharge Assistant Engineer,

Housing Corporation, Pedavura, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the G.O.Rt.No.114 dated 19.04.1999 and the consequential regularization of the respondents 4 to 6 as Assistant Engineers without first considering and promoting the petitioner on the basis of his merit and seniority list as Work Inspector as totally illegal, without jurisdiction and violative of articles 14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner against the posts of Assistant Engineers with effect from the date on which his juniors i.e., respondents 4 to 6 were promoted with all consequential benefits.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondent No.1: G.P. FOR GENERAL ADMINISTRATION

Counsel for the Respondent Nos. 2&3: MR.V.CH.NAIDU

Counsel for the Respondent Nos.4 to 6: None appeared

The Court made the following ORDER:

This writ petition is filed by the petitioner seeking writ of *mandamus* declaring G.O.Rt.No.114 dated 19.04.1999 and the consequential regularization of respondents 4 to 6, as Assistant Engineers, without considering the case of the petitioner for promotion on the basis of his merit and seniority as Work Inspector, is illegal, without jurisdiction apart from offending the Articles 14 and 16 of Constitution of India, and therefore, sought for quashing of the said proceedings with a consequential direction to the respondents to promote the petitioner.

2. It is stated that the petitioner was appointed as Work Inspector in the year 1987. According to the petitioner, he is senior to the respondents 4 to 6, and therefore, the

promotion of the respondents 4 to 6 as Assistant Engineers, ignoring the petitioner, is illegal and without jurisdiction. Further, according to him, by virtue of the proceedings of the Government in G.O.Rt.No.114 dated 19.04.1999, respondents 4 to 6 were regularised with retrospective effect. Therefore, he sought to quash the said proceedings.

3. The respondents filed a counter-affidavit disputing and denying the contentions of the petitioner.

4. The very basis of the petitioner's claim is that respondents
4 to 6 are promoted as Assistant Engineers and their services are regularized, in pursuance of the order of the Government in G.O.Rt.No.114 dated 19.04.1999, is incorrect. The respondents 4 to 6 were given charge of Assistant Engineers in the year 1987 and they are being continued in the same status drawing their own scales of pay as that of Work Inspectors. They were not promoted as regular Assistant Engineers. Therefore, the petitioner cannot have any grievance and the alleged grievance is on a false premise that they were regularly promoted from their service as Assistant Engineers and regularised under G.O.Rt.No.114 dated 19.04.1999. The protection that was granted to the persons, who were continuing as in-charge Assistant Engineers since 1987 is only to continue them in the same status of in-charge Assistant Engineers drawing their own scales of pay till their turn for promotion for consideration comes. Therefore, the petitioner cannot have any grievance insofar as
in-charge arrangements, under which, the respondents 4 to 6 were asked to act as in-charge Assistant Engineers. The said proceedings were issued in the year 1987 and those proceedings cannot be questioned in the year 1999 in the present writ petition. Moreover, the petitioner did not file any seniority list showing that he is senior to the contesting respondents.

Under the above circumstances, absolutely there is no merit in the writ petition and the same is accordingly dismissed. No costs.

S. Ananda Reddy, J

Date: 01.10.2004

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To

1. The Secretary to Government of A.P.,

   Housing Department, Secretariat, Hyderabad.

2. The Vice-Chairman & Managing Director,

   A.P. State Housing Corporation, Hyderabad.

3. The District Manager, A.P. State Housing

   Corporation, Nalgonda.

4. Two CCs to G.P. For General Administration, High Court of A.P. Buildings, Hyderabad (OUT)

5. Two CD Copies